

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-20273
HON. GEORGE CARAM STEEH

D-1 JOHNNY TROTTER, II, M.D.,
D-3 ELAINE LOVETT

Defendant.

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ORDER DENYING DEFENDANTS' MOTION FOR BILL OF PARTICULARS

The decision to order a bill of particulars is within the discretion of the district court. *United States v. Salisbury*, 983 F.2d 1369, 1375 (6th Cir. 1993). A bill of particulars has three purposes (1) to insure that the defendant understands the nature of the charges against him to enable him to prepare for trial; (2) to avoid or minimize the danger of unfair surprise at trial; (3) to enable the defendant to plead double jeopardy if they are later charged with the same crime if the indictment itself is too vague and indefinite. *United States v. Brimley*, 529 F.2d 103, 108 (6th Cir. 1976). Although defendants are entitled to notice of the precise nature of the charges against them, a bill of particulars "is not meant as a tool for the defense to obtain detailed disclosure of all evidence held by the government before trial." *Salisbury*, 983 F.2d at 1375.

Here, Defendant Trotter filed a motion requesting a bill of particulars identifying which patient files are the subject of fraudulent billing and how the Government intends to prove approximately \$25 million in Medicare Fraud. Defendant Lovett thereafter filed a notice of joinder in this motion. But Defendant Trotter's motion references details of

the individual counts set forth in the superseding indictment, patient files listed in the Government's trial exhibit list, and individual's identified in the Government's trial witness list. Furthermore, loss is not an element of any of the charges against Defendants. Thus, the Court finds Defendants have sufficient information to prepare for trial, avoid surprise, and avoid double jeopardy.

IT IS HEREBY ORDERED that Defendants' motion for bill of particulars is DENIED.

SO ORDERED.

Dated: October 21, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 21, 2016, by electronic and/or ordinary mail.

s/David Parker
Deputy Clerk